

**UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF MONTANA  
Petition for Warrant for Offender Under Supervision**

**FILED**

**NOV 22 2016**

Clerk, U.S. District Court  
District Of Montana  
Billings

**Name of Offender:** Nicholas John Montano

**Docket Number:** 0977 1:10CR00155-001

**Name of Sentencing Judicial Officer:** THE HONORABLE RICHARD F. CEBULL  
UNITED STATES DISTRICT JUDGE

**Date of Original Sentence:** 02/02/2012

**Original Offense:** 18:922G.F; UNLAWFUL TRANSPORT OF FIREARMS - ETC.

**Original Sentence:** 78 months custody, 36 months supervised release

**Type of Supervision:** Supervised Release

**Date Supervision Commenced:** 10/17/2016

**Assistant U.S. Attorney:** Ed Zink  
2601 2nd Ave N, Box 3200, Billings, MT 59101, (406) 657-6101

**Defense Attorney:** Mark Werner  
Federal Defenders Office, 2702 Montana Ave, Suite 101, Billings, MT 59101, (406) 259-2459

**PETITIONING THE COURT**

**Background**

On 02/02/2012, the defendant appeared for sentencing before THE HONORABLE RICHARD F. CEBULL, UNITED STATES DISTRICT JUDGE, having been found guilty by jury trial of the offenses of 18:922G.F; UNLAWFUL TRANSPORT OF FIREARMS - ETC.. The offense involved the defendant being in possession of a stolen Beretta, model 92FS, 9mm semi-automatic pistol and ammunition. At the time of arrest, the defendant was uncooperative and under the influence of alcohol. An inspection of the vehicle the defendant was traveling in later uncovered drug paraphernalia and prescription drugs. The defendant was sentenced to 78 months custody, followed by 36 months supervised release. The defendant began the current term of supervised release on 10/17/2016.

Since that time, the probation officer believes the offender has violated the following condition(s) of supervision:

**Violation Number      Nature of Noncompliance**

- |   |   |
|---|---|
| 1 | <b>Special condition:</b> The defendant shall abstain from the consumption of alcohol and shall not enter establishments where alcohol is the primary item of sale. This condition supersedes standard condition number 7 with respect to alcohol consumption only. |
|---|---|

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On 11/17/2016, the defendant was visited at the Yellowstone County Detention Facility by Supervising United States Probation Officer Martin Hylland, after he was detained for new charges. The defendant signed an admission form outlining his alcohol consumption on the night of 11/15/2016. He stated he went to a bar by himself and consumed alcoholic beverages of both beer and tequila.

- 2                   **Mandatory condition:** The defendant shall not commit another federal, state, or local crime.

During the early morning of 11/16/2016, Billings Police Officers responded to a report of a vehicle crashing into a building. When officers arrived, they were met by a witness, who identified the defendant as being the individual operating the motor vehicle. At that time, the defendant was outside of his vehicle and walking away from the scene. The defendant was detained and placed inside of an officer's emergency vehicle. After being Mirandized, the defendant admitted to officers he had made a bad decision and was drunk while operating the vehicle at the time of the accident.

- 3                   **Standard condition:** The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician.

**Mandatory condition:** The defendant shall not commit another federal, state, or local crime.

During the early morning of 11/16/2016, Billings Police Officers responded to a report of a vehicle crashing into a building. When officers arrived, they were met by a witness who identified the defendant as being the individual operating the motor vehicle. At that time, the defendant was outside of his vehicle and walking away from the scene. When officers began approaching the defendant, they observed him reach into a pocket and drop a small, light-colored object. Later investigation of the object revealed a folded up piece of paper with a white, crystal substance inside. A field test later identified the substance as methamphetamine. The defendant has been charged with Criminal Possession of Dangerous Drugs-Methamphetamine, based off of the aforementioned information.

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**AFFIDAVIT AND PETITION PRAYING THAT THE COURT WILL ORDER A WARRANT BE ISSUED**

In conformance with the provision of 28 U.S.C. § 1746, I declare, under penalty of perjury, that the foregoing is true and correct to the best of my knowledge. Based on the information presented that the offender has violated conditions of supervision, I am petitioning the Court to issue a warrant.

Reviewed

Respectfully Submitted

By:

Brian R Farren

Brian R Farren  
Supervising United States Probation  
Officer

Date: 11/21/2016

By:

Brian Hogan

Brian Hogan  
United States Probation Officer

Date: 11/21/2016

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**ORDER OF COURT**

I find there is probable cause to believe the offender has violated conditions of supervision, supported by the above affirmation given under penalty of perjury. The Court orders the issuance of a warrant. Considered and ordered this 21<sup>st</sup> day of November, 2016, and ordered filed **UNDER SEAL** and made a part of the records in the above case.

IT IS FURTHER ORDERED that upon notification to the Clerk of Court's Office that the above named Defendant has been taken into custody, the Petition for Warrant or Summons for Offender Under Supervision shall be unsealed.

Susan P. Watters

Susan P Watters

United States District Judge

11-21-2016

Date